

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

<p>JEFFREY WONSER, <i>Plaintiff,</i> v. CHARLES L. NORMAN, et al., <i>Defendants.</i></p>	<p>Case No.: 2:24-cv-02160 Judge Sarah D. Morrison Magistrate Judge Elizabeth A. Preston Deavers</p>
<p>PLAINTIFF JEFFREY WONSER’S REQUESTS FOR ADMISSION, INTERROGATORIES, AND REQUESTS FOR INSPECTION TO DEFENDANT ANDY WILSON</p>	

Under Fed. R. Civ. P. 34 and Ohio Rev. Code § 149.43, Plaintiff Jeffrey Wonsler requests that Defendant Andy Wilson respond to these discovery demands within 30 days of service.

INSTRUCTIONS

1. **Definitions.** In answering each request, use the following definitions:
 - A. The word “**person**” means any natural person, firm, partnership, association, corporation (whether public or private), governmental agency or entity, joint venture, or any other form of business entity.
 - B. The term “**document**” or “**documents**” means the original or a copy, regardless of origin or location, of any writing or records of any type or description, whether official or unofficial, including, but not limited to, the original or any copy of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, statement, study, inter- or intra-office communication, handwritten or other note, working paper, publication, permit, ledger and/or journal, whether general or special, chart, paper, graph, survey, index tape, disk, data sheet or data-processing card, or any other written, recorded, transcribed, filed, or graphic matter, however produced or reproduced, to which you have had access or now have access. “Document” or “documents” also includes any magnetically, mechanically, and/or electronically stored, maintained, and/or recorded data, whether the data consists of words, symbols, numbers, graphs, or other matters, including but not limited to email and text messages as well as messages on any social-media or other electronic platform, website, or application (e.g., messages in Facebook messenger, Tweets, Twitter direct messages, or Snapchat).
 - C. “**Identify**” means:
 - (1) With respect to any individual person: to state, to the extent known, the person’s name, sex, approximate age, last known home address, last known home telephone

- number, last known business address, last known business telephone number, last known employer, and last known job title. If you do not know the person's name, provide a physical description of the person instead.
- (2) With respect to a communication: the place of the communication, the date and time of the communication, the participants in the communication, and the substance of the communication.
- D. **“And”** and **“or”** shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all responses that might otherwise be construed to be outside its scope.
- E. **“Current”** means as of the date of service of these request.
- F. **“Any”** includes the word **“all,”** and **“all”** includes the word **“any.”**
- G. **“Relate to”** and **“relating to”** mean regarding, concerning, containing, consisting of, referring to, reflecting, supporting, demonstrating, showing, identifying, mentioning, contradicting, prepared in connection with, used in preparation for, pertaining to, having any relationship to, evidencing, constituting evidence of, or being in any way legally, logically, or factually connected with the matter discussed.
- H. **“Vanity License Plate”** refers to any initial-reserve license plate, special-reserved license plate, or personalized license plate.
- I. **“Message”** refers to the combination of alphanumeric characters submitted for registration on a Vanity License Plate.
- J. **“Screening Process”** refers to the procedure by which the BMV determines whether to approve or reject an application for a Vanity License Plate.
- K. **“Screening Guidelines”** refers to the rules establishing which Messages the BMV may reject.
2. For each request or part of a request that you object to as vague or ambiguous, please seek clarification as to the scope of the request.¹
3. **Privileges:** For each request or part thereof that you refuse to answer on grounds of privilege, state:
- A. The specific privilege asserted;
- B. The basis for the privilege; and
- C. The identity of the documents and/or information claimed to be privileged.
4. To preserve paper and reduce copying costs, Plaintiff requests that where feasible, documents responsive to the requests below be provided through an online file-sharing service rather in hard copy. If you do not have such a service available, Jeffrey Wonser can provide one free

¹ See, e.g., *Bottoms v. Liberty Life Assur. Co. of Bos.*, No. 11-CV-01606-PAB-CBS, 2011 WL 6181423, at *7 (D. Colo. Dec. 13, 2011) (“The responding party is obligated to reasonably construe the discovery requests ... and cannot evade its obligations under Rules 33 and 34 by summarily dismissing an interrogatory or request for production as ‘overbroad.’”).

of charge. Plaintiff requests that, with the exceptions noted below, each page of each document be Bates-stamped for identification.

5. Some of these requests are directed to electronically stored information, including e-mails and word-processing documents stored on your computer(s). Where practical, responsive information should be produced in native format, not converted to images or printouts. Plaintiff does not require that such documents be produced with Bates stamps, provided each document has a unique file name.
6. Please organize responses to the requests for production of documents so that it can be determined which documents respond to which request.
7. If you object that Plaintiff is not entitled to any of the requested records under Fed. R. Civ. P. 26, please produce them as required under the Ohio Public Records Act.

REQUESTS FOR ADMISSION

1. Admit that the file Alex Armitage sent to Brian D. Bardwell on September 27, 2022, named "Issued Personalized-Initial Reserve Special Plates 2018-2022.xlsx," is an authentic partial list of license plate combinations that the BMV has approved.

RESPONSE:

2. Admit that the file Alex Armitage sent to Brian D. Bardwell on September 27, 2022, named "Denied Plates 9.14.21 to 9.14.22.xlsx," is an authentic partial list of license plate combinations that the BMV has rejected.

RESPONSE:

3. Admit that pages 2–2003 of the file Alex Armitage sent to Brian D. Bardwell on September 16, 2022, named "Item 5 and 6_Redacted.pdf," are authentic copies of e-mails documenting deliberations over and decisions regarding applications for Vanity License Plates.

RESPONSE:

4. Admit that decisions to approve Vanity License Plate applications rely on both objective and subjective criteria.

RESPONSE:

5. Admit that decisions to deny Vanity License Plate applications rely on both objective and subjective criteria.

RESPONSE:

6. Admit that decisions to recall Vanity License Plate applications rely on both objective and subjective criteria.

RESPONSE:

7. Admit that the BMV will recall plates it has approved based on complaints from the public.

RESPONSE:

8. Admit that Defendant Norman is directly involved in decisions to approve or deny Vanity License Plates.

RESPONSE:

9. Admit that Defendant Norman participates in discussions or decisions about whether to approve or deny Vanity License Plates.

RESPONSE:

10. Admit that Defendant Norman was directly involved in the decision to approve or deny Mr. Wonser 2022's request for a license plate reading "F46 LGB."

RESPONSE:

11. Admit that Defendant Norman was directly involved in the decision to approve or deny Mr. Wonser's 2024 request for a license plate reading "F46 LGB."

RESPONSE:

12. Admit that the Director of the Ohio Department of Public Safety is responsible for supervising the operations of the Bureau of Motor Vehicles and its Registrar.

RESPONSE:

13. Admit that the Director of the Ohio Department of Public Safety is responsible for ensuring that his subordinates do not violate the First Amendment.

RESPONSE:

14. Admit that Messages on Vanity License Plates are private speech.

RESPONSE:

15. Admit that Allie Monst is a person of at least ordinary intelligence.

RESPONSE:

16. Admit that Andy Wilson is a person of at least ordinary intelligence.

RESPONSE:

17. Admit that Angela Russell is a person of at least ordinary intelligence.

RESPONSE:

18. Admit that Anne Dean is a person of at least ordinary intelligence.

RESPONSE:

19. Admit that Brady Wolf is a person of at least ordinary intelligence.

RESPONSE:

20. Admit that Brenda Berger is a person of at least ordinary intelligence.

RESPONSE:

21. Admit that Carrie Taylor is a person of at least ordinary intelligence.

RESPONSE:

22. Admit that Charles Norman is a person of at least ordinary intelligence.

RESPONSE:

23. Admit that Devon Riggins is a person of at least ordinary intelligence.

RESPONSE:

24. Admit that J. Curt Mayhew is a person of at least ordinary intelligence.

RESPONSE:

25. Admit that Jacob Harmon is a person of at least ordinary intelligence.

RESPONSE:

26. Admit that Janet Lohr is a person of at least ordinary intelligence.

RESPONSE:

27. Admit that Jeffrey Payne is a person of at least ordinary intelligence.

RESPONSE:

28. Admit that Julie Simkins is a person of at least ordinary intelligence.

RESPONSE:

29. Admit that Thomas Stickrath is a person of at least ordinary intelligence.

RESPONSE:

30. Admit that the Messages the BMV prints on Vanity License Plates come from the registrants, rather than from the BMV itself.

RESPONSE:

31. Admit that the BMV does not edit Messages submitted for registration.

RESPONSE:

32. Admit that except as required by the Screening Guidelines, BMV employees may not reject a mark based on the viewpoint that it appears to express.

RESPONSE:

33. Admit that unless they think one of the Screening Guidelines applies to a Message, BMV employees do not inquire into whether any viewpoint conveyed by a Message is consistent with Government policy.

RESPONSE:

34. Admit that unless they think one of the Screening Guidelines applies to a Message, BMV employees do not inquire into whether a Message is consistent with Messages the BMV has previously registered

RESPONSE:

35. Admit that if a Message meets all the BMV's requirements, the BMV does not have discretion to reject it.

RESPONSE:

36. Admit that if a BMV employee decides a Message is eligible for registration, that decision is not reviewed by any higher official unless the registration is challenged.

RESPONSE:

37. Admit that once a Message is registered, the BMV is not authorized to deregister it unless the registration expires or the Registrar issues a certification for recovery under Ohio Rev. Code § 4503.10(E) .

RESPONSE:

38. Admit that the BMV's registration of a Message does not constitute its endorsement of that Message.

RESPONSE:

39. Admit that the Vanity License Program is not intended to promote any particular message from the government.

RESPONSE:

40. Admit that Ohio has not traditionally used the alphanumeric combinations on license plates to convey government messages.

RESPONSE:

41. Admit that the BMV initially rejected a license plate with the Message "FALICE" for violating Guideline 1.

RESPONSE:

42. Admit that the BMV approved the Message "FALICE" because the applicant proved that her middle name was Falice.

RESPONSE:

43. Admit that the BMV recalled a license plate with the Message “84HO” for violating Guideline 1.

RESPONSE:

44. Admit that the BMV canceled the recall of “84HO” because the applicant demonstrated that the Message referred to the 1984 Hurst/Oldsmobile he was registering.

RESPONSE:

45. Admit that the BMV recalled a license plate with the Message “NEUTR EM” for violating Guideline 1.

RESPONSE:

46. Admit that the BMV canceled the recall of “NEUTR EM” because the applicant demonstrated that she was promoting animal population control.

RESPONSE:

47. Admit that the BMV recalled a license plate with the Message “SSA” for violating Guideline 1.

RESPONSE:

48. Admit that the BMV canceled the recall of “SSA” after learning that the registrant had owned a business called “Sarah Schmidt Auto.”

RESPONSE:

49. Admit that the BMV rejected a license plate with the Message “PC3 EFD” for violating Guideline 1.

RESPONSE:

50. Admit that the BMV approved the Message “PC3 EFD” after the applicant explained that PC3 was his badge number for the Euclid Fire Department.

RESPONSE:

51. Admit that the BMV rejected a license plate with the Message “MERSH” for violating Guideline 1.

RESPONSE:

52. Admit that the BMV rejected a license plate with the Message “MERSH” for violating Guideline 3.

RESPONSE:

53. Admit that the BMV approved the Message “MERSH” after the applicant explained that it was the nickname of his wife, whose maiden name was Mershimer.

RESPONSE:

54. Admit that the Message “F46 LGB” is not “obscene” as that term is defined at Ohio Rev. Code § 2907.01(F) .

RESPONSE:

55. Admit that the dominant appeal of the Message “F46 LGB” is not to prurient interest.

RESPONSE:

56. Admit that the dominant tendency of the Message “F46 LGB” is not to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite.

RESPONSE:

57. Admit that the dominant tendency of the Message “F46 LGB” is not to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality.

RESPONSE:

58. Admit that the dominant tendency of the Message “F46 LGB” is not to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose.

RESPONSE:

59. Admit that the Message “F46 LGB” does not contain a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

RESPONSE:

60. Admit that the Message “F46 LGB” means “Fag Lesbian Gay Bisexual.”

RESPONSE:

61. Admit that the Message “F46 LGB” means “Fuck Joe Biden Let’s Go Brandon.”

RESPONSE:

62. Admit that the Message “F46 LGB” is primarily a sociological message.

RESPONSE:

63. Admit that the Message “F46 LGB” is primarily a political message.

RESPONSE:

64. Admit that the Message “F46 LGB” is not primarily a sexual message.

RESPONSE:

65. Admit that any sexual connotations in the Message “F46 LGB” are secondary to its sociological message.

RESPONSE:

66. Admit that any sexual connotations in the Message “F46 LGB” are incidental to its sociological message.

RESPONSE:

67. Admit that any sexual connotations in the Message “F46 LGB” are secondary to its political message.

RESPONSE:

68. Admit that any sexual connotations in the Message “F46 LGB” are incidental to its political message.

RESPONSE:

69. Admit that the Bureau of Motor Vehicles routinely identifies itself as “BMV” in written communications.

RESPONSE:

70. Admit that the BMV routinely uses UrbanDictionary.com to determine whether combinations of letters violate the Screening Guidelines.

RESPONSE:

71. Admit that UrbanDictionary.com defines “BMV” as “Sex in Butt, Mouth & Vagina during one session.”

RESPONSE:

INTERROGATORIES

1. Affirm that all your responses to requests for production and requests for admission in this matter are the truth, the whole truth, and nothing but the truth.

RESPONSE:

2. Identify every communication or other document you are withholding in discovery on the basis of privilege or work-product protection, including the date and time of the communication, its sender, its recipients, its subject, and its purpose.

RESPONSE:

[illegible]

3. Identify every person involved in deciding whether to approve Messages for Vanity License Plates from January 1, 2019 forward, including their name, job title, and dates of membership on the committee.

RESPONSE:

4. Identify any training, knowledge, skills or experience required as a condition of participating in the BMV's Special Plate Committee.

RESPONSE:

5. Identify the Bureau's procedure for determining whether words, combinations and/or phrases (in any language and when read either frontward or backward) violate Guideline 1.

RESPONSE:

6. Identify all words, combinations and/or phrases (in any language and when read either frontward or backward) that violate "Guideline 1," as identified in Paragraph 139 of the Answer.

RESPONSE:

7. Identify all words, combinations and/or phrases (in any language and when read either frontward or backward) that violate "Guideline 2."

RESPONSE:

8. Identify all words, combinations and/or phrases (in any language and when read either frontward or backward) that violate "Guideline 3."

RESPONSE:

9. Identify all words, combinations and/or phrases (in any language and when read either frontward or backward) contained in "F46 LGB" that violate "Guideline 1," as identified in Paragraph 139 of the Answer.

RESPONSE:

10. Identify every Vanity License Plate that was rejected but subsequently approved, from January 1, 2018 forward.

RESPONSE:

11. Identify every Vanity License Plate that was recalled despite an earlier approval, from January 1, 2018 forward.

RESPONSE:

12. Identify every source BMV employees are permitted to rely on to determine whether a word, combination, or phrase violates its screening guidelines.

RESPONSE:

13. Identify every source BMV employees are prohibited from relying on to determine whether a word, combination, or phrase violates its screening guidelines.

RESPONSE:

14. Identify the criteria by which a person of ordinary intelligence can determine whether any given Message would violate the BMV's screening guidelines.

RESPONSE:

15. Identify every governmental interest advanced by rejecting the Message "F46 LGB."

RESPONSE:

16. Identify every governmental interest advanced by Guideline 1.

RESPONSE:

17. Define "obscene," as used in the Bureau's screening guidelines.

RESPONSE:

18. Define "sexually explicit," as used in the Bureau's screening guidelines.

RESPONSE:

19. Define "scatalogical," as used in the Bureau's screening guidelines.

RESPONSE:

20. Identify every fact supporting your denial of Paragraph 136 of the Complaint.

RESPONSE:

21. Explain the relevance of "public complaints"—as described in Paragraph 69—when deciding whether to approve, reject, or recall a Vanity License Plate.

RESPONSE:

REQUESTS FOR INSPECTION

1. Produce all documents described in your initial disclosures.

RESPONSE:

2. Produce all documents required to be disclosed under Civ. R. 26(B)(3)(a).

RESPONSE:

3. Produce all documents and other things produced in response to subpoenas seeking information for use in this case.

RESPONSE:

4. Produce all e-mails and any other electronic communications—from January 1, 2022, forward—containing any of the following strings:

- A. Wonser
- B. Bardwell
- C. F46 LGB

RESPONSE:

5. Produce all e-mails and any other electronic communications—from January 1, 2002, forward—containing any of the following strings:

- A. Zucco
- B. RD RAGE
- C. RDRAGE
- D. Vasvari
- E. What's on Your Plate
- F. FJB
- G. F46
- H. LGB
- I. FDT
- J. FDJT
- K. Invalid and Inappropriate
- L. First Amendment

RESPONSE:

6. Produce your list of license plates currently registered in Ohio, including their dates of issuance, expiration date, and the names and contact information for the registrants.

RESPONSE:

7. Produce all applications for Vanity License Plates from January 1, 2018 forward.

RESPONSE:

8. Produce your list of all Vanity License Plate combinations requested from January 1, 2018 forward.

RESPONSE:

9. Produce your list of all granted Vanity License Plate combinations from January 1, 2018 forward.

RESPONSE:

10. Produce your list of all denied Vanity License Plate combinations from January 1, 2018 forward.

RESPONSE:

11. Produce all communications reflecting deliberations of the Special Plate Committee from January 1, 2018 forward.

RESPONSE:

12. Produce all communications reflecting BMV oversight or review of the Special Plate Committee's decisions.

RESPONSE:

13. Produce all documents promoting the Bureau's Vanity License Plate programs.

RESPONSE:

14. Produce a copy of the Invalid/Inappropriate List.

RESPONSE:

15. Produce your list of all combinations that will return an "Inappropriate / Invalid Plate" error message on the BMV's website.²

RESPONSE:

16. Produce all documents reflecting instructions to alter that list, from January 1, 2018 forward.

RESPONSE:

17. Produce your list of all combinations that will return a "Not available for purchase" error message on the BMV's website.³

RESPONSE:

² <https://bmvonline.dps.ohio.gov/bmvonline/oplates/specializedplates/1>

³ <https://bmvonline.dps.ohio.gov/bmvonline/oplates/specializedplates/1>

18. Produce all documents reflecting instructions to alter that list, from January 1, 2018 forward.

RESPONSE:

19. Produce all records documenting complaints about the content of Vanity License Plates, from January 1, 2018 forward.

RESPONSE:

20. Produce every certification of the registrar under Ohio Rev. Code § 4503.10(E) from January 1, 2018 forward.

RESPONSE:

21. Produce the settlement agreement from *Zucco v. Caltrider*, No. 2:01-cv-01270 (S.D. Ohio), including any attachments or supplements.

RESPONSE:

22. Produce the Special License Plate Screening Guidelines adopted as a result of the *Zucco* settlement.

RESPONSE:

23. Produce documents reflecting any changes to the Special License Plate Screening Guidelines.

RESPONSE:

24. Produce documents reflecting any guidance supplementing or replacing the Special License Plate Screening Guidelines.

RESPONSE:

25. Produce documents reflecting Defendants' interpretations of the Special License Plate Screening Guidelines.

RESPONSE:

26. Produce all materials used to train employees whether to approve or deny Vanity License Plate applications.

RESPONSE:

27. Produce all materials used to train BMV employees and agents how to perform their responsibilities without violating the First Amendment.

RESPONSE:

28. Produce records from all BMV trainings on First Amendment issues from January 1, 2018 forward.

RESPONSE:

29. Produce the Ohio State Highway Patrol's policy for investigating and prosecuting violations of Ohio Rev. Code § 2907.32.

RESPONSE:

30. Produce records of every Ohio State Highway Patrol investigation of violations of Ohio Rev. Code § 2907.32 from January 1, 2018 forward.

RESPONSE:

CERTIFICATE OF SERVICE

I certify that on August 29, 2024, this document was served on opposing counsel as provided by Fed. R. Civ. P. 5(b)(1).

/s/Brian D. Bardwell

Brian D. Bardwell (0098423)

Attorney for Plaintiff Jeffrey Wonser